

REMARKS

Claims 30-42 are currently pending in the above-referenced patent application. Claims 30, 32, 34, 38, and 42 are amended by way of the present amendment.

In the Office Action: Claims 30-42 were rejected under 35 U.S.C. §112, first paragraph. Claims 30-42 were rejected under 35 U.S.C. §112, second paragraph.

In response to the rejection of claims 30-33 and 38-41 under 35 U.S.C. §112, first paragraph, the Applicants respectfully request reconsideration. The first paragraph of 35 U.S.C. §112 requires that "[t]he specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same . . ."

Claims 30-33 and 38-41 recite that each of a plurality of reverse communication channels and each of a plurality of forward communication channels utilize the same carrier frequency. It is stated in the Office Action on page 2 that "... the specification as originally filed does not describe the feature of 'each of the plurality of reverse communication channels and each of the plurality of forward communication channels utilize the same frequency'" The Applicant respectfully disagrees. On page 5, lines 2-5 of the specification, it is disclosed that "... one channel must serve as both the forward and reverse direction communication channel. Accordingly, the [Code Division Duplexing] method allows ... bi-directional communication through one channel" Accordingly, the recitation in claims 30-33 and 38-41 of "each of the

plurality of reverse communication channels and each of the plurality of forward communication channels utilize the same carrier frequency" is inherent to the disclosure in the originally filed specification.

Claims 30-33 and 38-41 recite that a plurality of reverse communication channels and plurality of forward communication channels carry data simultaneously." On page 2 of the Office Action it is stated that "...the specification as originally filed does not describe the feature of ...'the plurality of communication channels and plurality of forward communication channels transmit data simultaneously'." The Applicant respectfully disagrees. As discussed above, it is disclosed on page 5, lines 2-5 that a Code Division Duplexing method allows bi-directional communication through one channel by assigning codes to indicate a forward direction communication channel or a reverse direction communication channel. Accordingly, the recitation of a "plurality of reverse communication channels and plurality of forward communication channels carry data simultaneously" is inherent to the disclosure of the originally filed specification. This is evident and apparent, as bi-directional communication through one channel using code division is disclosed as a substitute for time division duplexing and not a supplement to time division duplexing.

In response to the rejection of claims 34-37 under 35 U.S.C. §112, first paragraph, the Applicants respectfully request reconsideration. Claims 34-37 recite a reverse communication channel and a forward communication channel utilize the same carrier frequency. These claims further recite that a reverse communication channel and a forward

communication channel are configured to carry data simultaneously. For similar reasons, as discussed above, these recitations are inherent to the disclosure of the originally filed specification.

In response to the rejection of claim 42 under 35 U.S.C. §112, first paragraph, the Applicant respectfully requests reconsideration. This claim recites "... a means for carrying the forward communication channel and the reverse communication channel simultaneously." For similar reasons, as discussed above, this recitation is inherent to the disclosure of the originally filed specification. Additionally, this recitation evokes the sixth paragraph of 35 U.S.C. §112.

In response to the rejection of claims 30-33 under 35 U.S.C. §112, second paragraph, the Applicant respectfully requests reconsideration. These claims recite a system comprising a plurality of reverse communication channels and a plurality of forward communication channels. On page 3 of the Office Action, it is stated that "... a system is an apparatus that normally defined in terms of physical structures. In this case, the limitations claimed do not specify structures defined in the system claimed." The Applicant respectfully disagrees, as a channel may include physical structures. In fact, for example, The IEEE Standard Dictionary of Electrical and Electronics Terms defines a channel as "a combination of transmission media and equipment capable of receiving signals at one point and delivering related signals at another point."

In response to the rejection of claims 34-42 under 35 U.S.C. §112, second paragraph, the Applicants respectfully request reconsideration. Claims 34, 38 and 42 have been amended substituting the word "transmit" for the word "carry" and the word "transmitting" to the word "carrying". Similar amendments have been made in claims 30-32. Further, claim 38 has been amended to correct typographical errors. The Applicant respectfully submits that these amendments are clarifying amendments and are not intended to narrow the scope of the claims.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

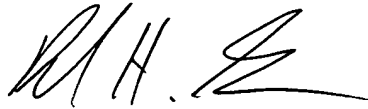
If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Daniel H. Sherr, at the telephone number listed below.

Serial No. 09/189,793

Docket No. K-039

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read 'D.H. Kim', with a stylized flourish at the end.

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